

Application No.: 10/815,324
Filing Date.: March 31, 2004

AMENDMENTS TO THE DRAWINGS

In the Office Action of July 9, 2007, the Examiner objected to the drawings under 37 C.F.R. § 1.83(a). By this paper, the Applicant is submitting proposed drawing changes for the Examiner's approval.

In the Office Action, the Examiner objected to the drawings under 37 C.F.R. § 1.83 for failing to show the groove as set forth in Claim 1 along with the plurality of projections as set forth in Claim 18. With respect to the groove as set forth in Claim 1, the Applicant submits that the groove is fully illustrated in Figures 3 and 5-8 and is described in paragraphs 44 and 45 of the application as originally filed. Hence, the Applicant believes that the groove in the perimeter portion of the container lid was illustrated in the drawings in compliance with 37 C.F.R. § 1.83(a).

With respect to the Examiner's objections to the drawings under 37 C.F.R. § 1.83(a) for failing to show the plurality of locking projections as set forth in Claim 18, the Applicant is hereby submitting proposed drawing amendments to Figures 1 and 3-6 wherein lateral projections such as latches, retaining bead extensions, or the like are positioned on the perimeter. The Applicant submits that the addition of these projections to the drawings does not result in the addition of new matter to the application as these features were described in Claim 18 and 28 and on page 5, paragraph 24 of the specification as originally filed. Hence, the Application believes that the proposed amendments overcome the objection to the drawings without resulting in the addition of new matter to the application as filed.

Application No.: 10/815,324
Filing Date.: March 31, 2004

REMARKS

In the Office Action of July 9, 2007, the Examiner objected to the drawings under 37 C.F.R. § 1.83(a), rejected Claims 18 and 28 under 35 U.S.C. § 112, first paragraph, and further rejected Claims 1, 4-25 and 28 under 35 U.S.C. § 112, second paragraph. By this paper, the Applicant is submitting proposed drawing changes for the Examiner's approval and has further amended Claims 1, 4, and 6 to address the § 112 issues noted by the Examiner. Hence, reconsideration of the above-captioned application in light of the amendments and remarks contained herein is now respectfully requested.

In the Office Action, the Examiner objected to the drawings under 37 C.F.R. § 1.83(a) for failing to show the groove as set forth in Claim 1 along with the plurality of projections as set forth in Claim 18. With respect to the groove as set forth in Claim 1, the Applicant submits that the groove is fully illustrated in the drawings. Specifically, the groove 5 is shown in Figures 3 and 5-8 of the drawings as originally filed. Moreover, the groove is described in paragraphs 44 and 45 of the application as originally filed. Hence, the Applicant believes that the groove in the perimeter portion of the container lid was illustrated in the drawings in compliance with 37 C.F.R. § 1.83(a).

With respect to the Examiner's objections to the drawings under 37 C.F.R. § 1.83(a) for failing to show the plurality of locking projections as set forth in Claim 18, the Applicant is hereby submitting proposed drawing amendments to Figures 1 and 3-6 wherein lateral projections such as latches, retaining bead extensions, or the like are positioned on the perimeter. The Applicant submits that the addition of these projections to the drawings does not result in the addition of new matter to the application as these amendments to the drawings simply result in the drawings conforming to the description of the invention contained within the specification as filed. Specifically, such extensions are described in Claim 18 and 28 and are further described on page 5, paragraph 24, of the specification as originally filed. Hence, the Applicant believes that the proposed amendments overcome the objection to the drawings without resulting in the addition of new matter to the application as filed.

In the Office Action, the Examiner also rejected Claims 18 and 28 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner, in paragraph 2 of the Office Action, indicated in addition that there was no support in the disclosure

Application No.: 10/815,324
Filing Date.: March 31, 2004

as originally filed for the groove of Claim 1 and the plurality of lateral projections of Claim 8 for engaging an associated container.

As discussed above, the groove in the perimeter portion of the container lid is the groove 5 which was described in paragraphs 44 and 45 of the application as originally filed. Similarly, the projections were originally described in the application on page 5, paragraph 44, also as discussed above. Hence, the disclosure of the application as originally filed includes a description of both the groove and the lateral projection that is sufficiently detailed that a person of ordinary skill in the art, in reading the application, would conclude that the Applicant, at the time of filing, contemplated an invention which included the grooves and the lateral projections as claimed.

In the Office Action, the Examiner also rejected Claims 1, 4-25 and 28 under 35 U.S.C. § 112, second paragraph. Specifically, the Examiner believes that the structural relationship between the parts are not clearly set forth in the claims. By this paper, the Applicant has amended Claim 1 so as to define the resiliently deformable portion being located between two non-deformable portions such that when the resiliently deformably portion is deformed, the length of the perimeter is reduced. Similarly, Claims 4 and 6 have been additionally amended to provide greater detail as to the location of the finger grips on either side of the deformable portion and further to describe the locking member. The Applicant believes that these amendments provide greater structural recitation and clarity to how the deformable lid functions. The Applicant believes that these amendments provide greater clarity to the claims and, thus, the claims comply with the requirements of 35 U.S.C. § 112, second paragraph.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history

Application No.: 10/815,324
Filing Date.: March 31, 2004

shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

SUMMARY

For the foregoing reasons, the Applicant believes that the application as amended is now allowable over the art of record and further complies with the requirements of 37 C.F.R. § 1.83(a) and 35 U.S.C. § 112, paragraphs 1 and 2. Hence, the Applicant therefore respectfully requests the prompt allowance of this application. Should there be any impediment to the prompt allowance of this application that could be resolved by a telephone call, the Examiner is respectfully requested to call the undersigned at the number shown below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 10/9/07

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